

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELIZABETH SOWA,

Plaintiff,

V.

**RING AND PINION SERVICE INC
d/b/a RANDY'S WORLDWIDE
SERVICE.**

Defendant.

CASE NO. 2:21-cv-00459-RAJ-BAT

**ORDER GRANTING
DEFENDANT'S MOTION TO
DISMISS**

Having reviewed the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, any objections or responses to that, and the remaining record, the Court finds and **ORDERS**:

(1) The Court ADOPTS the Report and Recommendation.

(2) The Court declines to exercise its discretion to consider Plaintiff's new evidence (Dkt. 25, 26), offered for the first time after Judge Tsuchida rendered his Report and Recommendation. *United States v. Howell*, 231 F.3d 615, 622 (9th Cir. 2000) ("[I]n

making a decision on whether to consider newly offered evidence, the district court must actually exercise its discretion, rather than summarily accepting or denying the motion.”).

(3) Defendants' Motion to Compel Arbitration and to Dismiss (or Stay) (Dkt. 9) is GRANTED. The case shall be STAYED. The parties are advised to submit a Joint Status Report within six (6) months from the date of this Order informing the Court of the status of their arbitration.

(4) The Clerk shall send a copy of this Order to the parties and to the Honorable Brian A. Tsuchida.

Dated this 7th day of January, 2022.


The Honorable Richard A. Jones
United States District Judge